REMARKS

The above amendment and these remarks are responsive to the Final Office Action of Examiner Florian M. Zeender mailed 09/03/2003.

Independent claims 1, 11, and 19 have been amended to more distinctly set forth an important feature of the present invention, to wit, specifying a parts procurement time performance measure for transfer of parts from stocking locations to customer locations, wherein equipment requiring the parts resides at the customer locations, and maintaining inventory levels at the stocking locations such that the performance measure is met. Entry of this amendment is respectfully requested.

Claims 1-23 are pending in the case, with claims 20-23 having been allowed. Claims 14-18 have been withdrawn from consideration.

35 U.S.C. § 103

Claims 1-4, 8, 10-13, and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al. (US 6,324,522) in view of Feigin et al. (US 6,006,196).

Peterson et al. describe an information network for a plurality of vendors where each vendor can transfer inventory to and from other vendors in the network using a formalized system of purchase orders containing information regarding the inventory

to be transferred. The network described by Peterson et al. is a system for determining inventory available within the network at a given point in time and formalizing the transfer of this inventory between vendors. In contrast, Applicants' claimed invention is a method of determining inventory levels to deploy at a plurality of stocking locations during inventory planning, so as to have parts available for transfer to customer locations within a given period of time, wherein equipment requiring the parts resides at the customer locations.

Feigin et al. describe a method of estimating future inventory replenishment requirements through statistical analysis of historical inventory demand data. While Feigin et al. do describe entering data, including a lead time, into a computer program, and using the computer program to compute inventory levels, the lead time of Feigin et al. is for transfer of products between stocking and/or retail locations, and not for transfer of parts to customer locations, wherein equipment requiring the parts resides at the customer locations.

retailer could be the customer such as card dealerships

While Feigin et al. do describe transfer from a warehouse to retail locations in column 5, lines 33-48, this is substantially different than the transfer of parts to customer locations, wherein equipment requiring the parts resides at the customer locations, as in the present invention. For example, in Feigin et al., a customer may travel to a retail location and purchase a part that may then be taken back to a customer location for use in equipment requiring the part, whereas the parts procurement time performance measure of the present invention relates to transfer of parts from a stocking location to a customer location, wherein equipment requiring the parts resides at the customer location. In other words, equipment requiring parts

resides at a customer location, rather than a retail location.

Peterson et al. and Feigin et al., neither by themselves, nor in combination, teach or suggest specifying a parts procurement time performance measure for transfer of parts from stocking locations to customer locations, wherein equipment requiring the parts resides at the customer locations, nor ordering sufficient numbers of parts to maintain inventory levels at stocking locations, such that the performance measure is met, as required by Applicants' amended independent claims 1, 11, and 19.

Independent claims 1, 11, and 19 have been amended to more positively set forth the distinctions cited hereinabove over Peterson et al. in view of Feigin et al.

Accordingly, inasmuch as Peterson et al. and Feigin et al., neither by themselves, nor in combination, teach or suggest all of the steps, elements, or limitations required by Applicants' amended claims as is required in a 35 U.S.C. 103(a) rejection pursuant to MPEP 2143.03, it is respectfully requested that the Examiner withdraw the rejection of Applicant's amended independent claims 1, 11, and 19 under 35 U.S.C. 103(a), and allow claims 1, 11, and 19. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (emphasis added) Also, "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Furthermore, claims 2-10 depend, directly or indirectly,

from allowable claim 1, and claims 12-13 depend from allowable claim 11. Claims 2-10 and 12-13 are therefore also allowable. Pursuant to MPEP 2143.03, "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Accordingly, it is respectfully requested that the Examiner withdraw the rejection of Applicants' dependent claims 2-10 and 12-13 under 35 U.S.C. 103(a), and allow claims 2-10 and 12-13.

CONCLUSION

The Application is believed to be in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707.02(j) and 707.03 in order that allowable claims can be presented, thereby placing the Application in condition for allowance without further proceedings being necessary.

Respectfully Submitted,

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